

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 17, 2005**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of August 17, 2005, was called to order by Mayor Beckman at 6:00 p.m.

Present: Council Members – Hansen, Hitchcock (arrived at 6:20 p.m.), Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual litigation: Government Code §54956.9; two applications; Kristine Wisecarver v. City of Lodi; WCAB case numbers WCK 0071616 and WCK 0071617
- b) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Joaquin County Superior Court, Case No. CV025569

C-3 ADJOURN TO CLOSED SESSION

At 6:00 p.m., Mayor Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:58 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:03 p.m., Mayor Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), Mr. Schwabauer explained that it was a Workers Compensation case related to an industrial disability of a former (now disability retired) Lodi Police Officer. Council approved a settlement of \$13,500 to permanently resolve all claims related to the injury in question.

In regard to Item C-2 (b), Council voted unanimously to dismiss California Pallet Corporation from this case.

In regard to Items C-2 (c), (d), (e), and (f), no reportable action was taken in closed session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of August 17, 2005, was called to order by Mayor Beckman at 7:03 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Senior Pastor Matt Duerr, Zion Reformed Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Gabi del Castillo and Ricky Gill, representing the Greater Lodi Area Youth Commission, reviewed its programs, activities, and accomplishments during the past year. The Youth Commission serves students in all Lodi Unified School District's high schools and middle schools.

Council Member Hansen encouraged the Youth Commission to continue participating in and sponsoring the annual haunted house event for children of the community.

In answer to a question posed by Mr. Gill, Council Member Johnson felt that it would be best for the Youth Commission to strive to be “all inclusive” in its programs and events, rather than targeting either high- or low-achieving students.

D-3 (b) Mayor Beckman presented Resolutions of Appreciation to the following outgoing members of the Greater Lodi Area Youth Commission: Gabi del Castillo, Brent Dutra, Ricky Gill, and Elisa Villarreal.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hansen, Beckman second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$5,775,583.50.

E-2 The minutes of June 1, 2005 (Regular Meeting), July 26, 2005 (Shirtsleeve Session), July 26, 2005 (Special Meeting), August 2, 2005 (Shirtsleeve Session), and August 2, 2005 (Special Meeting) were approved as written.

E-3 Adopted Resolution No. 2005-159 approving the specifications, authorizing advertisement for bids for sign-making software and related equipment and materials, and authorizing the City Manager to accept or reject bids and award contracts up to \$30,000.

E-4 Adopted Resolution No. 2005-160 authorizing the purchase of an additional 20,000 feet of #1/0 medium-voltage concentric-neutral ethylene propylene rubber insulated underground electrical conductor from the July 20, 2005, low bidder, The Okonite Company, of San Ramon, CA, in the amount of \$32,109.50.

E-5 Accepted improvements under “Municipal Service Center Public Works Locker Room Expansion Project” contract.

E-6 Adopted Resolution No. 2005-161 accepting improvements for Woodlake Meadow, Tract No. 3451.

E-7 Adopted Resolution No. 2005-162 accepting a portion of the improvements in The Villas, Tract No. 3400.

- E-8 Adopted Resolution No. 2005-163 approving final map and improvement agreement for Mills Avenue Single Family Homes, Unit 2, Tract No. 3499, and directed the City Manager and City Clerk to execute the improvement agreement and map on behalf of the City.
- E-9 Adopted Resolution No. 2005-164 authorizing transit services outside of regular service operations for the annual events listed below and authorizing Transportation Manager to advertise to determine if a willing and/or able provider exists for these events in accordance with the Policy for Use of Transit Service Outside of Regular Operations.
- | | |
|---|---|
| Sandhill Crane Festival | Parade of Lights |
| 4th at the Lake (formerly Ooh Ahh) | Grape Festival |
| Chamber of Commerce – Leadership Lodi | ZINFEST |
| Hutchins Street Square Performances | Storm Drain Detectives |
| Adult Day Care to Micke Grove Park | Assorted City Department & Council events |
| Visitor and Conference Bureau Media Day | Winery Viticulture Tours |
- E-10 Adopted Resolution No. 2005-165 amending Traffic Resolution 97-148 by approving installation of stop control on Giannoni Way at Legacy Way.
- E-11 Adopted the following resolutions regarding Vintage Oaks Zone 8, Interlake Square Zone 9, Lakeshore Properties Zone 10, Tate Property Zone 11, and Winchester Woods Zone 12, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1:
- Resolution No. 2005-166 of preliminary approval of the Engineer's Report regarding the proposed annexation of territory into the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 and levy and collection of assessments for fiscal year 2006-07;
 - Resolution No. 2005-167 declaring intention to annex territory into Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 and to provide for the levy and collection of assessments in such annexation, setting public meeting for September 21, 2005, and public hearing and deadline for receipt of ballots for October 5, 2005, and ordering the initiation of assessment ballot procedures; and
 - Resolution No. 2005-168 initiating proceedings for the annexation of territory into the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 and the levy and collection of assessments for certain zones for fiscal year 2006-07 administration.
- E-12 Adopted Resolution No. 2005-169 authorizing the City Manager to amend the existing electric utility rate contract between the City of Lodi and Constellation Wines (formerly the Robert Mondavi Corporation) for the Electric Fork Lift Charging Station Pilot Project.
- E-13 Adopted Resolution No. 2005-170 authorizing the City Manager to allocate \$15,844.64 in Public Benefit Program funds to Cottage Bakery for a demand-side management project.
- E-14 Approved "change order" for Geomatrix, Inc.'s proposal for waste management services for the Lodi Northern Plume Area Work Plan in the amount of \$5,504.88.
- E-15 "Adopt resolution in support of Assembly Bill 438 (Parra) to protect families living in rental communities from serious and high-risk sex offenders" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-16 Set public hearing for September 7, 2005, to consider unmet transit needs in Lodi.

ACTION ON ITEM REMOVED FROM CONSENT CALENDAR

- E-15 "Adopt resolution in support of Assembly Bill 438 (Parra) to protect families living in rental communities from serious and high-risk sex offenders"

PUBLIC COMMENTS:

- Eileen St. Yves thanked the City Manager and Police Department for including this item on the Council agenda.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2005-171 in support of Assembly Bill 438 (Parra) to protect families living in rental communities from serious and high-risk sex offenders.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ed Beswick referenced an editorial in the Lodi News-Sentinel published on August 6 regarding painting Lodi's water tower. He suggested forming a committee that would include representatives from the Arts Commission, Public Works, Downtown Lodi Business Partnership, Lodi Improvement Committee, and the youth member who first brought up the suggestion to paint the water tower. He believed that private citizens and corporate sponsors would help pay for the project.

Mayor Beckman suggested that the Lodi Improvement Committee take the matter on as a project.

City Manager King noted that the topic is on an upcoming agenda of the Arts Commission.

- Deborah Goni, owner of House of Coffees, stated that it was recently brought to her attention that her landlord, Stone Brothers, was negotiating with Starbucks to build a store across the street from her business. She reported that this would be the fifth Starbucks in Lodi. She asked Council whether it would be considering stronger support of small businesses in Lodi to stop the proliferation of chain stores.

Mayor Beckman recommended that Ms. Goni attend the Planning Commission meeting when this topic is on its agenda.

Council Member Johnson recalled that decisions were made regarding the theater location and what type of stores should be operating in the downtown area. He suggested that Council may want to begin a dialog as mentioned by Ms. Goni.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Mounce stated that she read an article in the Lodi News-Sentinel, which reported that Lodi has the highest concentration of lunch trucks in the state. She asked that the matter be discussed at a future Shirtsleeve Session. She congratulated her parents for being the focus of a recent newspaper article on the topic of walking as an exercise to keep in good health.

City Manager King replied that code enforcement issues would be the topic of discussion at the September 13 Shirtsleeve Session.

- Council Member Hansen reported that a meeting would be taking place tomorrow with the S.H. Cowell Foundation and San Joaquin Partnership for Families, which may result in future funding opportunities.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

None.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously made the following appointment:

San Joaquin County Emergency Food and Shelter Program
Cathy Jacobs Unspecified term

- b) The City Council, on motion of Council Member Mounce, Beckman second, unanimously adjusted the term (month) expiration date for all Greater Lodi Area Youth Commission representatives and made the following appointments to the Commission:

Greater Lodi Area Youth Commission

➤ ADJUSTED TERMS:

(*NOTE: Currently soliciting applications for three-year term, which will expire May 31, 2008):

Adults

Richard Dean, LUSD Rep.	May 31, 2005*
Dale Jones	May 31, 2006
Bradley VanderHamm	May 31, 2006
Elizabeth Mazzeo	May 31, 2006
Jeff Fleak	May 31, 2005*
MaryAnn Porterfield	May 31, 2007

Students

Erin Brink	May 31, 2006
Brooke Goodbary	May 31, 2006
Jacqueline Hamilton	May 31, 2006
Kevin Howard	May 31, 2006
Sarah McConahey	May 31, 2006

➤ APPOINTMENTS:

Students

Ali Asghar	Term to expire May 31, 2007
Corinne Casey	Term to expire May 31, 2007
Hannah Holden	Term to expire May 31, 2007
Andrew Slater	Term to expire May 31, 2007

J-3 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through July 31, 2005.

K. REGULAR CALENDAR

K-1 "Adopt resolution authorizing the City Manager to amend the existing Lodi Solar Rooftops Pilot Project"

Rob Lechner, Electric Utility Manager of Customer Service and Programs, recalled that, in April, Council approved the Lodi Solar Rooftops Pilot Project. The current program provides rebates up to \$5,100 for residential customers that install a maximum 3kW solar system on their property. The formula established was \$1,700 per kW of installed solar system with a maximum of a 3kW system. There have been no participants in the project thus far and staff proposes to increase the rebate to \$3,400 per kW and cap it at 2kW, which would meet one-third of a household's energy needs on an annual basis. The maximum allowable rebate would be \$6,800. The previous rebate equated to an 18% discount and the proposed rebate would increase it to 38%. Mr. Lechner estimated that a 2kW system would cost \$19,000. On the Electric Utility website there is a list of 11 licensed contractors that participated in the Solar Fair in May. He reported that the cities of Redding and Palo Alto offer as much as a 50% discount, yet they have had only two participants during the past two years.

PUBLIC COMMENTS:

- Ed Beswick stated that a solar unit for heating water was installed 22 years ago on the apartment complex he manages. It cost \$12,000 to install and saves \$130 each month.

MOTION/ VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted Resolution No. 2005-172 authorizing the City Manager to amend the existing Lodi Solar Rooftops Pilot Project. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Mounce, and Mayor Beckman

Noes: Council Members – Johnson

Absent: Council Members – None

- K-2 “Adopt resolution approving proposed sidewalk installation, repair, and liability policies and provide direction to staff as needed”

City Manager King mentioned that this topic was also discussed during the March 22 Shirtsleeve Session.

Public Works Director Prima reported that the law in California has been clear for nearly 100 years that sidewalks in front of properties are the responsibility of property owners. He explained that the impetus for this topic has to do with gaps in the community where sidewalks do not exist. Discussion has taken place in the past about providing City funding to complete the sidewalks and, in some cases, it was done pursuant to Council direction. Staff is recommending that City grant funding be provided for installation of new sidewalks at “gap” locations in a two-phase program. Phase one projects would be small projects of one, two, or three adjacent parcels missing sidewalks, with voluntary 50% City and 50% owner funding. Full funding by the City would be provided for disabled persons meeting low-income criteria. For other low-income owners meeting the same criteria, a deferral program would be available, i.e. the cost would be deferred until the property was sold and interest would be charged using the City's local agency investment fund rate capped at 100% of the principle. Phase one would be a six-year program. Staff would notify all affected property owners of the program and handle installation on a first-come, first-served basis. The phase two program would consist of the few larger areas of four or more parcels and any remaining parcels from phase one, in which property owners declined to participate. The cost would be paid 100% by the property owner.

Mr. Prima noted that regular sidewalk inspection would continue in the proposed new sidewalk policy. Minor defects of less than three-quarters inch are not addressed. A temporary patch or grinding is done on vertical offsets of three-quarter to one and a half inches. Vertical offsets greater than one and a half inches are replaced. Staff recommends that the sidewalk policy be clarified that driveways are the responsibility of property owners.

The City would pay half the cost of sidewalk repairs if the defect was due to roots from a City tree in the parkway strip. The City would handle root surgery on City trees. Mr. Prima explained that part of the cost in doing sidewalk repair is an encroachment permit, inspection fees, and administrative fees if a lien process is pursued. Staff is recommending that, if a property owner voluntarily does the needed repair work, the City would waive the fees. He noted that, in the downtown area, there are a number of buildings with basements that extend out into the sidewalk and during the downtown revitalization effort the City paid for some of the costs associated with that. Mr. Prima reported that the total cost of constructing all missing facilities in the City is estimated to be in excess of \$3.5 million. The cost of this work for properties with one, two, or three adjacent parcels is \$443,000, and for all residential property in the City, the estimated cost is \$834,000.

Council Member Hansen felt that all properties should be treated equally regardless of the number of adjacent parcels involved, i.e. either a 50%/50% offer or 100% paid by the property owner. He favored offering 50% City funding to all effected property owners.

Mayor Pro Tempore Hitchcock recalled that, for the past five years, the City has paid 100% of the cost for property owners who have made requests for sidewalks and she questioned the fairness of this new proposal. She favored finishing sidewalk installation for properties with one, two, or three adjacent parcels using Measure K funds, with the remainder of work to be paid 100% by property owners.

Council Member Johnson felt that property owners should pay 100% of the cost to have sidewalks installed. He was in favor of waiving fees if property owners voluntarily make needed repairs to sidewalks.

Council Member Hansen posed the general question to Council of whether it wishes to require installation of sidewalks throughout the City. He pointed out that property owners in the Kristmont Acres area were told that (per their request) they would not be required to have sidewalks installed. For this reason, he was opposed to a citywide sidewalk policy.

Mayor Beckman was not in favor of requiring sidewalks throughout the City.

Council Member Johnson replied that he was in favor of citywide sidewalks. He objected to Ms. Hitchcock's suggestion that Measure K funds be used for the benefit of individual property owners.

Council Member Mounce questioned whether there was room to install sidewalks in the area of Garfield and Maple Streets without requiring homeowners to remove their fences, of which she was not in favor.

City Manager King suggested that this matter be continued to the next regularly scheduled City Council meeting to allow an opportunity for Council to meet in closed session to discuss possible exposure to litigation. He explained that there were some recent court cases involving the absence of sidewalks.

Mayor Beckman suggested that staff divide the topic into two or three different action items for Council to consider at the next meeting.

PUBLIC COMMENTS:

- Jasmine Sanchez spoke in support of a citywide sidewalk policy and felt that all sidewalks should be repaired for the benefit of pedestrians.

MOTION / VOTE:

The City Council, on motion of Mayor Beckman, Mounce second, unanimously voted to continue the item to a future date to allow an opportunity for staff to divide recommendations into separate action items and for Council to meet in closed session to discuss potential exposure to litigation.

RECESS

At 9:04 p.m., Mayor Beckman called for a recess, and the City Council meeting reconvened at 9:15 p.m.

K. REGULAR CALENDAR (Continued)

K-3 "Introduce ordinance amending Lodi Municipal Code, Title 2, Administration and Personnel, by repealing and reenacting Chapter 2.12.060(T) relating to the contract authority of the City Manager and Title 3, Revenue and Finance, by repealing and reenacting Chapter 3.20 relating to the purchasing system"

City Manager King recalled that this matter was previewed with Council at the March 8 Shirtsleeve Session.

Finance Director Krueger stated that the purpose of the ordinance was to continue to have a centralized purchasing system, which includes internal control measures, to maintain a competitive policy for the purchase of goods and services, and to allow for the expedient and orderly dispatch of City business.

Joel Harris, Purchasing Officer, stated that the proposed ordinance requires additional reporting and oversight by Department Heads. Informal bids are required for purchases over \$500 and formal advertised sealed bid quotes are required for purchases of \$20,000 or more. It allows for the ability to "piggy back" on other agencies' existing bids and contracts so the City does not have to go through the process anew of developing specifications and bid documents. The proposed ordinance allows the City Manager purchasing authority up to \$20,000, above which requires Council approval. Architects, engineers, attorneys, accountants, and environmental services are exempt from the bidding process, and award of contracts to these individuals or firms is made on the basis of qualifications. The proposed ordinance also allows for the purchase of computer and electronics equipment to be made on the basis of "best value," rather than the low bid.

In answer to Mayor Pro Tempore Hitchcock, Mr. Harris reported that, currently, each year 40 to 50 formal bids are conducted on projects over \$5,000, and of those, 8 to 10 are in the range of \$5,000 to \$20,000.

City Manager King added that three bids (written or verbal) are required for purchases between \$500 and \$1,000. Purchases between \$1,000 and \$20,000 require written proposals.

Mr. Harris noted that Section 2.12.60 of the ordinance requires the City Manager to provide a report to Council on a quarterly basis of all purchases between \$5,000 and \$20,000.

Mayor Pro Tempore Hitchcock asked that the report include a listing of all the bidders, who was chosen, and why.

Mr. Krueger noted that staff is in the process of developing purchasing policy procedures, which will be brought forward to Council once completed.

Council Member Mounce recalled that at the August 3 meeting Council Member Johnson had pulled a consent item that showed a bid amount of \$13,500 that was twice as high as the estimated cost for the project and the matter was referred back to staff for further review. She pointed out that if the City Manager's purchasing authority threshold was raised to \$20,000, the aforementioned item would never have appeared before Council. She felt that the purchasing authority level should be a lesser amount.

Council Member Johnson expressed concern about the exemption for professional services. He asked that, within the quarterly report to Council, it be shown that more than one professional services firm was contacted for a bid. He felt that a non-competitive environment breeds complacency. He suggested that a rotating list be considered.

Mayor Pro Tempore Hitchcock agreed with Mr. Johnson and asked that the purchasing policy include guidelines for contracting with professional service providers to encourage that multiple firms be considered prior to making a selection.

PUBLIC COMMENTS:

- Ann Patel commented that other agencies have purchasing authority thresholds up to \$40,000.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, introduced Ordinance No. 1763 amending Lodi Municipal Code, Title 2, Administration and Personnel, by repealing and reenacting Chapter 2.12.060(T) relating to the contract authority of the City Manager and Title 3, Revenue and Finance, by repealing and reenacting Chapter 3.20 relating to the purchasing system. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Johnson, and Mayor Beckman

Noes: Council Members – Mounce

Absent: Council Members – None

- K-4 “Receive report on requests for proposals for emergency ambulance services and take appropriate action”

Jere Kersnar, Interim Deputy City Manager, reported that the Emergency Medical Services Agency of San Joaquin County, operating under the authority of State law, has released a Request for Proposals (RFP) for emergency ambulance services throughout the County. It is asking for proposals to provide exclusive ambulance services within Lodi (Zone A), Stockton (Zone B), and Tracy (Zone C), due by September 22. The County Board of Supervisors is expected to consider the matter in January 2006 and the service would begin on May 1, 2006. The RFP asks bidders (ambulance companies) to bid for Advanced Life Support (ALS) ambulance service within at least one of the zones, and they may in addition provide for ALS first response services. The RFP does not require that the secondary Public Safety Answering Point (PSAP) be a public sector agency. Under 911 rules, a call can only be transferred once before a dispatch is made. In Lodi, 911 calls come into police dispatch, which transfers medical emergencies to the Stockton Fire Department dispatch center, which dispatches all fire agencies and ambulances in the county. As pointed out in City Manager King's letter (filed) to the County Administrator, *“The RFP contemplates the use of private sector PSAPs as a means of dispatching emergency ambulances and does not explicitly require the private sector PSAP to notify the fire department dispatching center...”* Mr. Kersnar reported that the Lodi Fire Department is almost always the first responder, arriving on scene within three to five minutes; whereas, the ambulance typically arrives four minutes later.

Mayor Beckman doubted that the Emergency Medical Services Agency would allow a situation to occur where the fire departments were not informed of emergency situations.

City Manager King noted that the Emergency Medical Services Agency was informed of these concerns more than once throughout the process, yet they have not issued an addendum to the RFP.

Council Member Johnson pointed out that the situation could easily be solved by bringing the dispatch function back to the Lodi Fire Department, as it was originally handled. He felt that the issues being discussed at this time were premature and was disappointed that the letter was sent out by the City Manager without first presenting it to the Council.

Mayor Pro Tempore Hitchcock stated that if one was to “follow the money” and review campaign statements, it would be found that huge contributions were provided by private ambulance companies. She asserted that the RFP was written for profiteers, not local government.

Mayor Beckman objected to Ms. Hitchcock's insinuation and pointed out that the Lodi Fire Department (through the Lodi Firefighters PAC) also contributes to campaigns. Consequently, it would be possible to make the argument that whichever way a person voted on this issue, was the direct result of such contributions. Mayor Beckman noted that he and Council Member Johnson have had a long standing viewpoint on record of supporting private business entities above government, which includes private ambulance companies. Mayor Beckman affirmed that his votes are cast without regard to financial contributions.

Mayor Pro Tempore Hitchcock explained that she had been referring to members of the County Board of Supervisors.

Council Member Hansen clarified that his concern is to have a system that gets the most qualified people to the scene, in the shortest amount of time, which provides the highest level of service. He did not want a system that pits fire departments and ambulance companies against each other.

Council Member Mounce stated that her main concern was response times, and in her experience, the Lodi Fire Department arrives first on scene. She hoped that paramedics could be staffed on Lodi fire engines.

PUBLIC COMMENTS:

- Ann Patel commented that contracting with insurance companies was also an issue to consider.

MOTION / VOTE:

There was no Council action taken on this matter.

- K-5 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$193,543.56) and approve Special Allocation covering general litigation matter expenses (\$7,391.76)"

City Attorney Schwabauer reviewed invoices as detailed in the staff report (filed). He noted that invoice no. 88584 was for Magellan Environmental, not Environmental Forensic as was written in the staff report.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$193,543.56 and approved Special Allocation covering general litigation matter expenses in the amount of \$7,391.76, as detailed below:

Folger, Levin & Kahn					
Invoice No.	Date	Description	Total Amount	Distribution	
				171399.7323	
88585	05/31/05	Environmental Forensic v City of Lodi	271.14	135.57	135.57
88584	05/31/05	Magellan Environmental v City of Lodi	162.50	81.25	81.25
88583	05/31/05	People v M&P Investments	91,016.26 (9,553.00)	45,508.13 (4,776.50)	45,508.13 (4,776.50)
88602	05/31/05	Hartford Insurance Coverage Litigation	6,512.20	3,256.10	3,256.10

Continued August 17, 2005

			(705.00)	(352.50)	(352.50)
88586	05/31/05	People v. Randtron	706.00	353.00	353.00
88588	05/31/05	Fireman's Fund/Unigard Appeal	56,976.70	28,488.35	28,488.35
			(855.00)	(427.50)	(427.50)
88587	05/31/05	Envision Law Group	40,716.90	20,358.45	20,358.45
			(708.00)	(354.00)	(354.00)
			<u>184,540.70</u>	<u>92,270.35</u>	<u>92,270.35</u>

Kronick, Moskovitz, Tiedemann & Girard

Invoice No.	Date	Description	Total	Distribution	
				Amount	100351.7323 171399.7323
221132	07/25/05	On-Site Litigation Support	1,400.00	700.00	700.00
221133	07/25/05	General advice	129.58	129.58	
221133	07/25/05	Stockton Family Farmers	211.10	105.55	105.55
221133	07/25/05	Lodi First v. City of Lodi	2,561.41	2,561.41	
221133	07/25/05	Citizens for Open Govt.v.Col	<u>4,700.77</u>	<u>4,700.77</u>	
			<u>9,002.86</u>	<u>7,391.76</u>	<u>805.55 805.55</u>

L. ORDINANCES

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:56 p.m.

ATTEST:

Susan J. Blackston
City Clerk